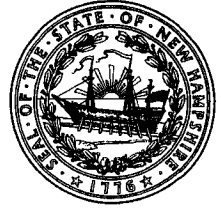




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

November 16, 2005

Danny C. Woodsome  
d/b/a Woodsome Well Drilling, Inc.  
PO Box 21  
North Waterboro, ME 04061

Re: Docket No. AF 05-086 Administrative Fine by Consent Agreement

Dear Mr. Woodsome:

Enclosed for your records is a copy of the fully executed and accepted Administrative Fine by Consent Agreement in the above-captioned matter.

On behalf of the Department of Environmental Services, thank you for your cooperation in resolving this matter.

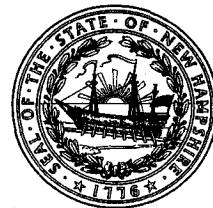
~~Sincerely,~~  
**COPY**

Michael P. Sclafani,  
Legal Assistant

cc: Michael J. Walls, DES Assistant Commissioner  
Harry T. Stewart, P.E., Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Kerry D. Barnsley, Compliance Attorney, DES Legal Unit  
DES Public Information Officer  
Rick Schofield, DES WD



The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

Danny C. Woodsome  
d/b/a Woodsome Well Drilling, Inc.  
Post Office Box 21  
North Waterboro ME 04061

Re: Complaint of Fred D'Amore – Well  
constructed at 116 Pine Hill Road, Madison,  
NH

**ADMINISTRATIVE FINE  
BY CONSENT**

**No. AF 05-086**

**I. INTRODUCTION**

This Administrative Fine by Consent is entered into by and between the Department of Environmental Services, Water Division, and Danny C. Woodsome apparently d/b/a Woodsome Well Drilling Inc, pursuant to RSA 482-B:8 and RSA 482-B:16. This Administrative Fine by Consent is effective upon signature by all parties.

**II. PARTIES**

1. The Department of Environmental Services, Water Division ("DES") is a duly constituted administrative agency of the State of New Hampshire, having its main office at 29 Hazen Drive, Concord, New Hampshire.
2. Danny C. Woodsome is an individual apparently doing business as Woodsome Well Drilling, Inc., having a mailing address of P.O. Box 21, North Waterboro, ME 04061.

**III. BACKGROUND**

1. RSA 482-B regulates water well contractors and pump installers and establishes the NH Water Well Board ("Board"). Pursuant to rulemaking authority conferred by RSA 482-B:4, the Board has adopted rules to implement this regulatory program (We 100 to 1000, "Water Well Rules"). Under RSA 482-B:8 and RSA 482-B:16, the Department of Environmental Services ("DES") has concurrent authority with the Board to enforce RSA 482-B and the Water Well Rules.
2. RSA 482-B:16, II authorizes the Commissioner of DES to impose administrative fines of up to \$2,000 for each offense for violations of RSA 482-B or of any rule adopted or license issued under that statute. Pursuant to rulemaking authority contained therein, the Commissioner has adopted Env-C 616 to establish the schedule of fines for such violations.
3. Danny C. Woodsome d/b/a Woodsome Well Drilling Inc., is a licensed water well contractor in the state of New Hampshire, holding license No. 1721.

4. On April 27, 2005 DES received a written complaint from Fred D'Amore requesting an investigation of the installation of a well constructed at his residence located at 116 Pine Hill Road, Madison, New Hampshire.
5. DES staff conducted a site inspection of the well and pump installation, and interview with Fred D'Amore on April 29, 2005.
6. DES staff observed several violations of the Water Well Rules during the site inspection and a Notice of Violation was issued to Mr. Woodsome by DES on May 18, 2005.
7. On August 4, 2005 the Board held an administrative hearing to show cause why the water well contractor license held by Mr. Woodsome should not be revoked for fraud, gross negligence, and misconduct in the industry.
8. At the hearing, Danny Woodsome testified that he installed the well pump system at the D'Amore property.
9. Water Well Board records indicate that Mr. Woodsome has not been issued a pump installer license.

#### **IV. ALLEGATIONS**


1. During the site inspection staff observed that the well casing was leaking at approximately 20 feet below land surface, in violation of We 602.06(e)(3).
2. During the site inspection staff also observed the pump circuit equipment grounding conductor was not bonded to the well casing, in violation of We 702.04(i).
3. During the site inspection staff also observed the pump circuit electrical wiring was not encased in conduit and was subject to physical damage, in violation of We 702.04(c).
4. Danny Woodsome violated RSA 482-B:5 by installing the well pump system at the D'Amore property without first obtaining a pump installer license from the Water Well Board.

#### **V. ADMINISTRATIVE FINES, PAYMENT, WAIVER OF HEARING**


1. For violation of We 602.06(e)(3), Env-C 616.03(e) authorizes a fine of \$500 for the first violation.
2. For violation of We 702.04(i), Env-C 616.04(e) authorizes a fine of \$200 for each violation.
3. For violation of We 702.04(c), Env-C 616.04(c) authorizes a fine of \$200 for each violation.
4. For violation of RSA 482-B:5, Env-C 616.02(d) authorizes a fine of \$2,000 for each violation.

5. The total fine being sought is \$2,900.
6. DES agrees to suspend the total fine of \$2,900 contingent on no further violations of RSA 482-B and the Water Well Rules for a period of two years from the date of execution of this Administrative Fine by Consent by Danny Woodsome, or any person constructing water wells pursuant to NH water well contractor license No. 1721.
7. In making its decision DES considered the following actions taken by Mr. Woodsome in response to the D'Amore complaint:
  - a. Mr. Woodsome worked in a professional manner with DES staff in order to resolve the D'Amore water supply problem;
  - b. Mr. Woodsome drilled a replacement well at the D'Amore property in a timely manner upon receipt of the Notice of Violation and stated his intent to decommission the existing well;
  - c. Mr. Woodsome hired Southern Maine Pump & Supply to install a new pump and correct the existing violations stipulated in the Notice of Violation;
  - d. Mr. Woodsome hired Judd Goodwin Well Drilling to hydro-fracture the replacement well in order to increase the well yield;
  - e. Mr. Woodsome admitted installing the well pump at the D'Amore residence; and
  - f. Mr. Woodsome was cooperative with DES, and with the Board at the administrative hearing and agreed to take additional steps to assure the adequacy and safety of the D'Amore water supply including decommissioning the existing well, obtaining a water quality test, and obtaining a copy of the hydro-fracturing report.
8. If Danny Woodsome violates RSA 482-B or the Water Well Rules within two years from the date of this Administrative Fine by Consent, the \$2,900 suspended fine shall be due and payable. If compliance is maintained during the two year period the suspended portion of the fine will be waived.
9. By executing this Administrative Fine by Consent, Danny Woodsome waives his right to a hearing on or any appeal of the administrative fines identified in Paragraphs V.1 through V.4, and agrees that this Administrative Fine by Consent may be entered into and enforced by a court of competent jurisdiction.
10. The effective date of this Administrative Fine by Consent will be the date on which it is signed by Danny Woodsome, the Director of the Water Division, and the Commissioner of DES.
11. No failure by DES to enforce any provision of this Administrative Fine by Consent after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor


will such failures be construed as a waiver of the right to enforce each and all provisions of this agreement on any further breach or default.

**COPY**  
  
\_\_\_\_\_  
Danny Woodsome

11/4/05  
Date

Department of Environmental Services  
**COPY**  
  
\_\_\_\_\_  
Harry T. Stewart, P.E., Director  
Water Division

11/14/03  
Date

**COPY**  
  
\_\_\_\_\_  
Michael R. Norris, Commissioner

11 14 05  
Date

cc: Gretchen R. Hamel, Legal Unit Administrator  
Public Information Officer, DES PIP Office  
Anne Edwards, Esq. – NH DOJ  
Jennifer J. Patterson, Esq. – NH DOJ  
NH Water Well Board  
R. Peter Taylor, Esq. – McNeill, Taylor & Gallo, PA